

C2 6 30. (Amended) An article formed of an alloy as defined in Claim 1, in which [the selected element] at least one of chromium, tungsten, molybdenum, vanadium, niobium and cobalt is in a carbide form of the element.

Please cancel claims 24-33 and 39-40.

Please add the following new claims:

C 41. The article of equipment of claim 1 wherein said composition is comprised in total of at least 12 percent by weight vanadium, tungsten, and molybdenum.

C 42. The article of claim 1 wherein said composition includes at least 2 percent by weight molybdenum.

C 43. The article of claim 1 wherein said composition includes at least 4 percent by weight vanadium.

C3 44. The article of claim 1 wherein said composition includes less than 26 percent by weight nickel.

C 45. The article of claim 1 wherein said composition contains greater than 1.6 percent by weight carbon.

C 46. The article of claim 1 wherein said composition is substantially free of titanium.

C 47. The article of claim 1 comprising a bearing.

C 48. The article of claim 1 comprising a roll.

C 49. An article of equipment intended to be submerged in molten zinc, molten aluminum and mixtures thereof, said article containing an alloy material comprised of:

| | <u>Percent</u> |
|------------|----------------|
| Carbon | 1.6 - 2.6 |
| Chromium | .5 - 30.0 |
| Tungsten | 10.0 - 30.0 |
| Molybdenum | 2.0 - 8.0 |
| Iron | 10.0 - 50.0 |

C [2]

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C3
cont'd

and including, vanadium, niobium, cobalt, boron, and manganese and being substantially free of silicon.

Remarks

Re-examination of the above-identified application is respectfully requested. Applicant hereby confirms the prior telephone election of Group I (claims 1-12 and 34-39). Support for newly added claims 41-49 can be found in the specification at page 16, lines 12-13 (titanium), the chemical compositions of pages 23-24 and the specific embodiments of page 30.

Claims 1-12 and 34-39 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states that the claims are indefinite because it has been held that claims drawn to an alloy without defining alloy ranges are merely functional, and are therefore indefinite since it defines a composition in terms of results produced rather than the actual quantities to be added. The Examiner relies on Koebel v. Coe, 505OG513 in support of this proposition. Applicant respectfully traverses.

Referring to the Court of Appeals decision in Koebel, Applicants note that the Court does not state that an alloy composition must include ranges to be definite. Rather, the Court examined the teaching and specification and noted that only two examples of alloy compositions were disclosed. The Court then notes that the claim uses words "which describe the function...to the exclusion of any structural definition, and this falls within the condemnation of the doctrine that the patentee may not broaden his product claims by describing a product in terms of function." The claim at issue required only molybdenum, copper, and cobalt, being so proportioned as to be capable of being sintered at a temperature below that of the critical point at which the desirable qualities in the diamond are adversely affected, said alloy when so sintered having the property of wetting the diamonds coupled with a lack of avidity for the